

IT IS HEREBY ORDERED that the Defendant's Motion for Summary Judgment
(Document No. 12) is granted.

The Report and Recommendation of Magistrate Judge Caiazza dated August 19, 2005
(Document No. 19), is adopted as the opinion of the court.



David Stewart Cercone
United States District Court Judge

cc: Honorable Francis X. Caiazza
U.S. Magistrate Judge

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